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November 29, 2004

EX PARTE

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Unbundled Access to Network Elements; WC Docket No. 04-313

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Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; CC Docket No. 01-338

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Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission Rules, this letter is to provide notice in the above-captioned proceedings of an ex parte meeting. On November 23, 2004, John Tassone, of ACN Communication Services, Inc., and myself met with Jessica Rosenworcel, Legal Advisor to Commissioner Copps. At the meeting we discussed the necessity of preserving unbundled local switching in certain markets, in accordance with the attached talking points.

Pursuant to the Commission's rules, this letter is being filed electronically in the above captioned dockets.

Sincerely,

/s/ Harry N. Malone

Harry N. Malone
Counsel to ACN Communication Services, Inc.

Enclosure

cc: John Tassone, ACN

ACN COMMUNICATION SERVICES, INC.

1. ACN background as residential service provider
2. ACN needs three things to continue to provide service to predominately residential customers:
 - a. Differentiation between CLEC's who provide service to residential versus commercial customers;
 - b. Continuation of UNE-P to enable continued service to residential and small business customers;
3. Current alternatives to UNE-P are not cost effective, therefore, transition time is needed.
 - a. Resale
 - b. Self-provisioned, facility based services
 - c. 3rd Party wholesale facility based services
 - d. "Commercial" agreements
 - e. Alternative technologies
4. Intermodal alternatives are not comparable to wireline service.
5. Adopt a line density threshold that on a CLEC by CLEC basis takes into account:
 - a. Scale economies
 - b. Sunk costs
 - c. First mover advantages